

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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PATRICIA HUHMANN,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

* No. 13-903V
* Special Master Christian J. Moran
*
* Filed: May 13, 2014
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* Stipulation; influenza (“flu”) vaccine;
* shoulder injury related to vaccine
* administration (“SIRVA”).
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Kathy A. Lee, Cline, Farrell, et al., Indianapolis, IN, for petitioner;
Claudia B. Gangi, United States Dep’t of Justice, Washington, DC, for respondent.

UNPUBLISHED RULING FINDING ENTITLEMENT¹

On November 13, 2013, Patricia Huhmann filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §300 a-10 through 34 (2006), alleging that she suffered pain in her left shoulder secondary to the influenza (“flu”) vaccine she received in her left arm on November 16, 2010.

In her Rule 4(c) report, respondent states that that the Division of Vaccine Injury Compensation, Department of Health and Human Services, has reviewed the facts of this case and has concluded that the alleged injury, lasting for more than six months, “is consistent with a shoulder injury related to vaccine administration (‘SIRVA’),” and thus that “petitioner has satisfied all legal prerequisites for compensation under the [Vaccine]Act.” Id. at 3-4.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that she is entitled to compensation for her injury.

Accordingly, Ms. Huhmann is entitled to compensation. A status conference has been set for **Wednesday, July 16, 2014 at 11:00 A.M. Eastern Time**, to discuss the process for quantifying the amount of damages to which Ms. Huhmann is entitled.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master